

REMARKS

Initially, in the Office Action, the Examiner has rejected claims 1-18 under 35 U.S.C. § 103(a) as being patentable over U.S. Patent No. 6,593,955 (Falcon) in view of document WO 02/085018 (Jang et al.). Claims 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Falcon in view of Jang et al. and U.S. Patent No. 7,009,650 (Kashio).

By the present response, Applicant has cancelled claims 4, 10 and 16 without disclaimer. Further, Applicant has amended claims 1, 7 and 13 to further clarify the invention. Claims 1-3, 5-9, 11-15 and 17-21 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Falcon in view of Jang et al. Applicant respectfully traverses these rejections.

Regarding claims 1, 7 and 13, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, including a representation of the removed portion of the original image frame with the new image frame during wireless transmission of the new image frame so that it may be utilized by the receiver to improve the presentation of the received image frame by integrating it back into the received image frame, or an RF component for wirelessly transmitting the encoded image frame and the representation of the removed portion of the original image frame. The Examiner fails to cite any portion of any of the references that discloses or suggests these limitations in the claims of the present application. In contrast, the Examiner without basis asserts that Falcon discloses these limitations and asserts "the monotonous color data substituted for the background is utilized as 'a representation' of the removed background portion and is transmitted with the encoded image and utilized by the receiver to reconstruct the image by integrating the monotonous color data with the foreground data." Applicant submits that

the Examiner uses impermissible hindsight in reading the limitations in the claims of the present application back into the cited reference. The assertions by the Examiner are neither supported nor suggested in Falcon. The Examiner provides no specific portion of Falcon (or Jang et al.) that discloses or suggests these assertions by the Examiner. Moreover, Falcon discloses monotonous color data being substituted for the background. Monotonous color data being utilized as a "representation" of removed background portion is not disclosed or suggested in Falcon (or Jang et al.), nor does it make any sense. According to the limitations in the claims of the present application a representation of the removed portion of the original image frame with the new image frame is included with the new image frame so that it may be utilized by the receiver to improve the presentation of the received image frame by integrating it back into the received image frame. The Examiner's assertion of monotonous color data being utilized as a representation, even if integrated into the original image, does not represent the background portion removed from the original image and would not help a receiver improve presentation of the received image by integrating monotonous color data ("a representation" as asserted by the Examiner) into the original image. Monotonous color data integrated into the original merely produces the image (without the original background) with the monotonous color data as disclosed in Falcon. Moreover, Jang et al. fails to disclose or suggest the limitations in the claims of the present invention.

Regarding claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18, Applicant submits that these claims are dependent on one of independent claims 1, 7 and 13 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-3, 5-9, 11-15 and 17 and 18 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Falcon, Jang et al., and Kashio. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent

claims 1, 7 and 13 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Kashio does not overcome the substantial defects noted previously regarding Falcon and Jang et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 19-21 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion


In view of the foregoing amendments and remarks, Applicant submits that claims 1-3, 5-9, 11-15 and 17-21 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner wishes to discuss any aspects of this amendment, please contact the undersigned at the telephone number indicated below.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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